

Proclamation of the Governor

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MH-CJ, 421-422
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CR-VII, 674-675

[New Bern]
[January 16, 1768¹]

North Carolina'ss

By His Excell^y William Tryon Esq^r &c

A Proclamation—

Whereas, by an Act of the General Assembly passed in the Year 1741—Intituled an Act concerning of Marriages, it is among other things Enacted that all Marriage Licences shall be Issued under certain Rules, & directions therein mentioned by the Clerk of the County wherein the Feme has her usual Residence and be signed & directed by the first Justice in the Commission of the peace for the County or by a Person Commissioned by the Governor for that Purpose, which Power to a Justice for signing and directing of Marriage Licences has since been thought improper as having a Tendency to elude the payment of the Just and Legal fees to the Governor on Marriage Licences & accordingly the General Assembly in 1766 by an amendatory Act to the former & in the repealing Clause hath repealed that part of the Clause in the Act passed in 1741 which gave a power to a Justice for to sign & direct Marriage Licences—

And in an Enacting clause vested that power solely in the Governor, & inflicted the penalty of Fifty Pounds on any Minister or Justice of the Peace who should Celebrate or Solemnise the Rites of Matrimony between any Person whatsoever in this Province by a Licence unless such Licence should be under the hand & Seal of the Governor or Commander in Cheif for the time being,

Notwithstanding all which, many Justices have of Late taken upon themselves to sign & direct Marriage Licences, I suppose & would willingly hope not from a Contempt of Law, but from an erroneous construction of the Provisionary Clause in the amendatory Act, which gives a power to the Clerks when unsupplied with blank Marriage Licences to write Licences under the same regulations & restrictions as directed and prescribed by the Act made in 1766, but gives no power to any Justice or other Person to sign and direct the Licences when so wrote and Certified by the Clerk, but under the Authority and by the direction of the preceeding & Enacting Clause are to be signed & Sealed by the Governor & Commander in Cheif

In Order therefore to correct this mistake & to prevent such injurious Practices to the Publick for the future. — I have thought fit by & with the Advice & Consent of His Majesty's Council to Issue this my Proc-